

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Feb 12, 2015

Action Requested By: Water Pollution Control

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with Garver, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Garver, L.L.C. for Engineering Services for 2014 Flow Monitoring Program-Annual Operations, Maintenance, Data Analysis & Reporting, Project No. 65-14-SP20, by Modification No. 1

14-261

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This contract modification is to extend the contract performance date for Engineering services for the 2014 Flow Monitoring Program-Annual Operations, Maintenance, Data Analysis & Reporting. There is no change in the contract amount. New end date: October 7, 2015. Account No. N/A-Time Extension Only, no additional funds required.

Associated Cost: _____

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: Shane Coch

Date: 1-23-15

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Water Pollution Control

Council Meeting Date: 2/12/2015

Department Contact: Shane Cook

Phone # 256-883-3719

Contract or Agreement: Time Extension

Document Name: Garver-Flow Monitoring Services Project No. 65-14-SP20

City Obligation Amount: 0

Total Project Budget: \$213,300.00

Uncommitted Account Balance: 0

Account Number: N/A. Time Extension Only

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Shane Cook</i>	<i>1-23-15</i>
2) Legal	<i>Danny C. Cates</i>	<i>1-26-15</i>
3) Finance	<i>[Signature]</i>	<i>1/28/15</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 15-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into Modification No. 1 to the Agreement with Garver, L.L.C., adopted and approved on the 10th day of April, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-261, as attached hereto.

BE IT FURTHER RESOLVED that the contract completion date be modified from April 10, 2015, to October 7, 2015. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and Garver, L.L.C. for Engineering Services for 2014 Flow Monitoring Program-Annual Operations, Maintenance, Data Analysis & Reporting, Project No. 65-14-SP20, as adopted by Resolution No. 14-261 of April 10, 2014" consisting of a total of four (4) pages including Attachment "A" and the date of February 12, 2015, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 12th day of February, 2015.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 12th day of February, 2015.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 1 to Agreement between
the City of Huntsville and Garver, L.L.C.
for Engineering Services for 2014 Flow
Monitoring Program-Annual Operations,
Maintenance, Data Analysis & Reporting,
Project No. 65-14-SP20, as adopted by
Resolution No. 14-261 of April 10, 2014

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 10th day of April, 2014, in the amount of TWO HUNDRED THIRTEEN THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$213,300.00). The original Agreement is hereby amended by Modification No. 1 dated February 12, 2015, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and GARVER, L.L.C., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated April 10, 2014, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract completion date to October 7, 2015.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. Garver, L.L.C. will provide for extension of contract completion date to October 7, 2015.
2. Item #1 shall be performed in accordance with the original agreement dated April 10, 2014, and approved by the City Council by Resolution No. 14-261.
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
4. All other terms and conditions remain unchanged.

President of the City Council of the City of
Huntsville, AL
Date: February 12, 2015

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2015.

Notary Public
My Commission Expires: _____

ENGINEER: GARVER, L.L.C.

By: 


ATTEST:



STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Jerry D. McCarley as Vice President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 27th day of January 2015.


Notary Public
My Commission Expires: 3/28/15

ATTACHMENT "A"



5125A Research Drive
Huntsville, AL 35805

TEL 256.534.5512
FAX 256.534.5544

www.GarverUSA.com

January 8, 2015

City of Huntsville
Water Pollution Control
Attn: Mr. Shane Cook, PE
1800 Vermont Rd.
Huntsville, AL 35802

RE: Request for Time Extension
Proposal for 2014 Annual Flow Metering Services
City of Huntsville Water Pollution Control Department
City of Huntsville Project Engineer – Mr. Mark Huber
COH Project No. 65-14-SP20, Resolution No. 14-261, dated April 10, 2014
Existing Contract to Expire: April 10, 2015

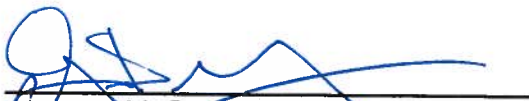
Dear Mr. Cook:

We are requesting a time extension of 180 days on the above referenced project. This will change the contract end date to October 7, 2015. This request is due to various reasons, one being a decreased number of flow monitors being utilized than originally anticipated.

Please feel free to call our office, if you have any questions regarding this time extension request or need any additional information. We appreciate this opportunity and look forward to working with you and your staff once again.


Sincerely,

GARVER, LLC



Jerry D. McCarley, PLS
Vice-President

In concurrence:



Mr. Shane Cook, PE
Director

1-13-15

Date